

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TWANA ADAMS, et al.,	:	NOTICE OF
	:	STATE DEFENDANTS'
Plaintiffs,	:	MOTION TO DISMISS
	:	
-against-	:	08 Civ. 5996
	:	(GEL) (AJP)
NEW YORK STATE EDUCATION	:	
DEPARTMENT, et al.,	:	
	:	
Defendants.	:	
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PLEASE TAKE NOTICE that, upon all prior pleadings and papers filed herein, the accompanying Declaration of Karen Dahlberg, dated August 15, 2008, and the exhibits annexed thereto, and the accompanying Memorandum of Law in Support of State Defendants' Motion to Dismiss, dated August 15, 2008, the undersigned, on behalf of defendants New York State Education Department, Richard Mills, Maryann Fairman and Deborah Marriott (collectively, "State Defendants"), will move this Court before the Honorable Gerard E. Lynch, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for an order dismissing the Complaint pursuant to Rules 8(a)(2), 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure for insufficient pleading, lack of standing, lack of subject matter jurisdiction, and failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that, pursuant to the briefing schedule set by the Court, opposition papers, if any, must be served on the undersigned on or before September 5, 2008, and reply papers, if any, must be served by State Defendants on or before September 18, 2008.

Dated: New York, New York
August 15, 2008

ANDREW M. CUOMO
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Attorney for State Defendants

By:

/s/

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